



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,772	06/13/2006	Artur Schwörer	P8311US(PCT)	4600
20469 7590 07/21/2009 KOHLER SCHMID MOEBUS RUPPMANNSTRASSE 27 D-70565 STUTTGART, GERMANY				
EXAMINER SAFAVI, MICHAEL				
ART UNIT		PAPER NUMBER		
3637				
MAIL DATE		DELIVERY MODE		
07/21/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/582,772

**Applicant(s)**

SCHWOERER, ARTUR

**Examiner**

Michael Safavi

**Art Unit**

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/55/08)  
Paper No(s)/Mail Date 6/13/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

***Information Disclosure Statement***

The information disclosure statement filed June 13, 2006 fails to fully comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because Applicant has not provided a copy of those references listed as EP 0807501, DE 3516536, DE 3626183, and GB 1001768. It has been placed in the application file, but the information referred to therein, with respect to those references listed as EP 0807501, DE 3516536, DE 3626183, and GB 1001768, has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

As per M.P.E.P. 1893.03(g), unless Form PCT/DO/EO/903 includes an indication of whether a copy of the international search report and copies of the references cited therein are present in the national stage file, applicant must follow the procedure set forth in 37 CFR 1.97 and 1.98 in order to ensure that the examiner considers the documents cited in the international search report.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 13-27 are rejected under 35 U.S.C. 102(b) as being anticipated by**

**European Patent reference EP 0807501, (EP '501).** EP '501 discloses, Figs. 1 and 3, a formwork with a formwork element having a first "bolt" E, said first transverse bolt having a bolt fixture, (any portion thereof), for mounting said first transverse bolt to the formwork element, said first transverse bolt defining at least one first elongated hole 21 and at least one first round hole 3 disposed at a first longitudinal end thereof; and a second transverse bolt E, said second transverse bolt defining at least one second elongated hole 21 and at least one second round hole 3 disposed at a second longitudinal end thereof, wherein said first longitudinal end at least partially overlaps said second longitudinal end, said first elongated hole overlapping said second round hole to define a first bolt duct, and said first round hole overlapping said second elongated hole to define a second bolt duct. The language of claim 13 does not positively set forth connected elements. As such, the "bolts" of EP '501 can overlap in any fashion as one may see fit thus, serving to read upon the intended orientation language of lines 11-15 in claim 13.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 13-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

**Lehmann 4,915,345.** Lehmann discloses, Figs. 2 and 4 for example, a formwork with a formwork element having a first "bolt" 13, said first transverse bolt having a bolt fixture, (any portion thereof), for mounting said first transverse bolt to the formwork element, said first transverse bolt defining at least one first elongated hole 25 and at least one first round hole 26 disposed at a first longitudinal end thereof; and a second transverse bolt 22, said second transverse bolt defining at least one second elongated hole 24 and/or at least one second round hole 24 disposed at a second longitudinal end thereof, wherein said first longitudinal end at least partially overlaps said second longitudinal end, said first elongated hole overlapping said second round hole to define a first bolt duct, and said first round hole overlapping said second elongated hole to define a second bolt duct. Lehmann discloses formation of holes or slots, (elongated hole), within the "bolt" element 22. Therefore, to have provided the "bolt" element 22 of Lehmann with either or both of holes, (round holes), and slots, (elongated holes), thus serving to allow for alternative or versatile arrangements within the form assembly, would have been obvious to one having ordinary skill in the art at the time the invention was made.

The language of claim 13 does not positively set forth connected elements. As such, the "bolts" of Lehmann can overlap in any fashion as one may see fit thus, serving to read upon the intended orientation language of lines 11-15 in claim 13. In any event Lehmann as modified would have the round holes of "bolt" element 22 overlapping the elongated holes 25, 27 of "bolt" element 13.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Safavi whose telephone number is (571) 272-7046. The examiner can normally be reached on Mon.-Fri., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Michael Safavi/  
Primary Examiner, Art Unit 3637

M. Safavi  
June 16, 2009